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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**CHETANN PATEL and HARSHIKA PATEL,**  
**Plaintiffs,**  
**vs.**  
**U.S. BANK, N.A. et al.,**  
**Defendant(s).**

**Case No.: 13-CV-01625 YGR**  
**ORDER DENYING *EX PARTE* APPLICATION**  
**FOR A TEMPORARY RESTRAINING ORDER**

United States District Court  
Northern District of California

Plaintiffs Chetann and Harshika Patel have filed an *Ex Parte* Motion for a Temporary Restraining Order to prevent a foreclosure sale set for April 18, 2013.

As set forth below, the Court **DENIES** Plaintiffs' *Ex Parte* Motion for a Temporary Restraining Order.

Rule 65 of the Federal Rules of Civil Procedure requires that actual notice must be given to the opposing party of the intention to seek a Temporary Restraining Order ("TRO"), the date and time for the hearing and the nature of the relief requested. Unless notice is provided, the moving party must provide a certified showing of extraordinary circumstances why such notice could not have been given. *Reno Air Racing Ass'n, Inc. v. McCord*, 452 F.3d 1126, 1131-32 (9th Cir. 2006). Here, the Court has not been provided with any declaration showing why such notice could not have been given. A TRO is a drastic remedy and accordingly can only be given under proper circumstances.

Therefore, the Motion is **DENIED**.

This Order Terminates Docket Number 5.

**IT IS SO ORDERED.**

**Date: April 17, 2013**

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE